

Gang Land News

Real Stuff about Organized Crime

<http://www.ganglandnews.com>

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JERRY CAPECI
webmaster

APR 13 2012

April 12, 2012

Chief Judge Carol Bagley Amon
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: US v. Badalamenti et al, Docket #12CR50

Dear Judge Amon:

I am a reporter/columnist who has written several articles about this indictment in recent months. The most recent, about the guilty plea by Vincent Badalamenti on Monday, April 9, 2012, was published today. A copy is attached. As an interested party, I petition you to treat this letter as a "pro-se" motion to order the government to furnish me a copy of the plea agreement between the government and defendant Badalamenti.

During the proceeding at which he pleaded guilty, you discussed the plea agreement, an important document in the case, and its contents with the defendant as well as the opposing attorneys and identified it, according to my recollection, as court exhibit #5.

It is well established in this district, and in federal courts around the country, that except for extraordinary reasons, namely those that involve national security or safety of witnesses or other individuals, the public and the press have a common law right as well as a First Amendment right to all judicial documents, including exhibits, in all criminal cases.

The plea agreement is an important document in the case. It memorializes the agreement by which the government and the defendant, a reputed high-ranked member of the Bonanno crime family, agreed to resolve the indictment, instead of at a public trial. The agreement was not ordered sealed by the court, it was identified by your honor as a court exhibit, and it should be available for inspection by the public and the press.

I have been unable to obtain a copy of it, however, from the court, the office of U.S. Attorney Loretta Lynch, or the attorney for the defendant, Ronald Fischetti.

Courtroom deputy Vanessa Holley informed me that the court did not have a copy of the plea agreement. She said the government retained it, and referred me to the government.

*The government
is directed to
advise the court
of its position on this
application by
4/20/12.*

*So Ordered. ✓ s/CBA
4/13/12*

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Robert Nardoza, the official spokesperson for the U.S. Attorney's office, declined to furnish a copy, stating that it was against office policy to provide plea agreements to the media.

In numerous cases, the Second Circuit has recognized a motion to intervene as the procedurally proper device for purposes of protecting the public right of access in a criminal proceeding. *See, e.g., United States v. King*, 140 F.3d 76, 77 (2d Cir. 1998); *United States v. Haller*, 837 F.2d 84, 85 (2d Cir. 1988); *Herald*, 734 F.2d at 96. Accordingly, I ask that you allow me to intervene for the limited purpose of asserting the public's right of access to the plea agreement between the government and defendant Badalamenti, and that you treat this letter as a "pro-se" motion. I have contemporaneously delivered (via fax and email) a copy of this letter to the government and the attorney for the defendant.

While my interest in the guilty plea of Mr. Badalamenti was the genesis of this "pro-se" letter motion, I note that I have also written articles about other defendants in the case, and intend to write others about them as well. Accordingly, I ask that you order the government to provide public access to those plea agreements as well.

As Judge Nicholas Garaufis noted on February 14, 2005 regarding a similar issue in an unrelated organized crime case: "It has been clear that the public possesses a broad right to inspect and copy court documents" since at least 1978 when the U.S. Supreme Court made that determination in *Nixon v. Warner Communications*, 435 U.S. 589, 597-98 (1978.) "This right is not rooted in the Constitution," Garaufis added, "but derives rather from the public's common law interest in being able to monitor the operations of the courts and other public agencies."

For the above reasons, I ask most respectfully that you order the government to make available the plea agreement between the U.S. Attorney's office and defendant Badalamenti, as well as the plea agreements of the other defendants who have pleaded guilty in this case.


Thank you.

Sincerely,




Jerry Capeci

cc Robert Nardoza; AUSA Jack Dennehy, AUSA Kristin Mace, Ronald Fischetti



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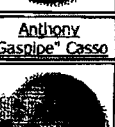

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BUTTOMEN
and other Wiseguys

 John Gotti	 John "Junior" Gotti
 Salvatore "Bull" Gravano	 Leroy "Nicky" Barnes
 Vincent "Chin" Gigante	 Gregory Scarpa
 Carmine "Junior" Persico	 Nicholas "Little Nick" Corozzo
 Anthony "Gaspipe" Casso	 Frank "Frankie Loc" Locascio
 Leonard DiMaria	 Liborio "Barney" Bellomo


Contact Gang Land

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This Week In Gang Land April 12, 2012

By Jerry Capeci


Vinny TV's Wheel Of Fortune




After watching Vinny TV closely for three years, the feds charged him with racketeering and accused him of running the Bonanno crime family. Last week he said he was going to trial. This week, armed with a \$5000 check, he went into court dialing for dollars and came out a big winner: He'll do about two years. Not bad for a guy who is supposed to be a boss.

But Vincent (Vinny TV) Badalamenti was not the only victor in the controversial case based on the undercover work of mob associate Hector (Junior) Pagan, the ex-hubby of Mob Wives star Renee Graziano. The Brooklyn U.S. Attorney's office, which worked very hard to get Vinny TV to cop a sweeter than usual plea deal, was also a big winner.

Now that Badalamenti – and Junior's ex-father-in-law, capo Anthony (TG) Graziano and their codefendants – have pleaded guilty to non-violent crimes, the U.S. Attorney's office will not have to publicly disclose that Pagan, a violent hoodlum with at least one dead body on his mob resume, got an even sweeter deal than the wiseguys that he stung.





As Gang Land reported two months ago, law enforcement sources say Pagan was the triggerman in the July 2, 2010 robbery murder of James Donovan, a well-heeled mob associate who used a series of check cashing storefronts to launder money for the Luchese crime family.

Sources say that Pagan was the ringleader of a four-man crew that targeted Donovan, who was known to carry lots of cash. Donovan was killed when he resisted the robbers in the Gravesend section of Brooklyn. Sources say Pagan and three cohorts escaped with more than \$40,000.

Last Week in GANG LAND

Read Last Week's Column

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If there was any doubt that Brooklyn prosecutors had bent over backwards to come up with a plea offer that Vinny TV wouldn't refuse, that disappeared when Chief Judge Carol Amon reviewed the written plea bargain deal with Badalamenti and asked, matter-of-factly, whether he had been promised anything else to induce him to forego his right to trial and plead guilty.

"No, your honor," is the usual reply. But Vinny TV sat mute. After a pause, assistant U.S. attorney Jack Dennehy stated that there was something else.

In addition to the signed plea deal, he agreed that on sentencing day he would recommend that Amon give Badalamenti one year of supervised release following his incarceration. Instead of the three years that wiseguys invariably receive.

Badalamenti, who smiled throughout the proceeding, grinned broadly when Dennehy spoke. The grin got bigger after Amon discussed it with Dennehy and defense attorney Ronald Fischetti, and explained its meaning to the defendant. He kept smiling even when the judge cautioned that she could ignore the prosecutor's recommendation, and mete out three years of supervised release.



The strict rules banning contacts with fellow gangsters for three years serve an important double purpose, according to federal authorities. They not only curtail mob activities by ex-cons who don't fancy a quick return to prison, they often snare recidivist gangsters violating the rules and give them a return trip to the hoosegow.

Vinny TV knows this lesson well because this is just what happened to him six years ago after he completed a 15-month rap for loansharking and was caught visiting the Banner Social Club in Bensonhurst a few times. That violation only cost him 90 days of home confinement, but it apparently weighed heavy on his mind during plea negotiations over the last few weeks.

It's impossible to predict how much weight Amon, a former prosecutor who has been on the bench since 1990, will give to Dennehy's "recommendation" on sentencing day. But if she goes along, Vinny TV would obviously be able to resume his reputed wiseguy duties a lot sooner than most when they get out of prison. His plea deal calls for a likely stint between 21 and 27 months.



Badalamenti, 53, admitted conspiring to collect an unlawful gambling debt from February 2002 to August of 2002 as a member of the Bonanno family. In the old days, such an admission was banned by

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October 23, 2008 FBI'S 'MR. BIG' RIPS FBI BOSSES

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October 29, 2009 GOTTI IV BECOMES A FARCE

October 18, 2001 THE MEN WHO KILLED ALBERT ANASTASIA

October 25, 2001

Mafia protocol. But it is now viewed as a necessary evil for members of "the life" who want to limit their time behind bars when the feds have the goods on them.

DUMB LUCK PAYS
OFF FOR FBI

And then there was the \$5,000 check, a major bargain for the former appliance salesman. Badalamenti turned it over to the court to satisfy his end of a forfeiture agreement. Vinny TV then blew kisses to his daughters Christine and Kristen, and to two of his five sisters who were in court, and left to continue marking time until the day he gets out and can get back to running the Bonanno family, or the bagel store he now operates. He's already gotten rid of the appliance store that earned him his Vinny TV moniker.

Things weren't quite as happy when Graziano faced the music. At a similar proceeding before Magistrate Judge Lois Bloom, the capo blanched and furiously shook his head, "No, No," when the judge, in a prelude to noting his agreement to forfeit \$5000, stated that he would "assist" the government in that venture. "No, no," he was not assisting the government, he was not "a rat" like his ex-son-in-law Junior, TG seemed to be telling his attorney, Patrick Parrotta.

When the judge clarified her words for the 71-year-old mobster, the plea continued without incident, with Graziano agreeing to a likely prison term of between 30 to 37 months behind bars.

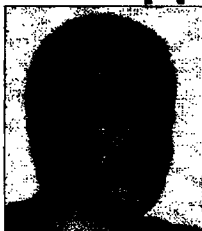
As for Junior Pagan, he's not expected to show up in Brooklyn Federal Court anytime soon, unless Bonanno capo Nicholas (Nicky Mouth) Santora screws things up and does not cop a plea deal tomorrow.



You won't see Pagan on Mob Wives again, but his decision to become a "government rat" is expected to be a major topic of debate and discussion on the VH1 reality TV show again this weekend.



Tommy Karate DNA Testing Appeal A Dead Issue



Twenty years after Bonanno soldier Thomas (Tommy Karate) Pitera became the first mobster to go to trial on federal racketeering and murder charges that carried the death penalty, death still seems to go hand in hand with the imprisoned-for-life gangster.